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18 IN THE UNITED STATES DISTRICT COURT
19 FOR THE EASTERN DISTRICT OF CALIFORNIA
20 EASTERN DIVISION

21 STEVEN ANTHONY GUZMAN,

22 Petitioner,

23 v.

24 A. LAMARQUE, Warden,

25 Respondent.

26 CIV-S-04-0700 FCD GGH P

27 **STIPULATION AND ORDER
WITHDRAWING
PETITIONER'S MOTION
FOR LEAVE TO FILE THIRD
AMENDED PETITION AND
TO STAY PROCEEDINGS;
GRANTING PETITIONER 30
DAYS TO FILE TRAVERSE**

28 **STIPULATION**

29 On April 20, 2006, counsel for petitioner filed a "Request For Extension Of Time To File
30 Traverse And For Permission To File A Third Amended Petition, Then To Stay & Abey Proceedings
31 Pending Exhaustion Of State Court Remedies." On April 26, 2006, counsel for petitioner agreed to
32 re-notice her motion until July 27, 2006, to await the outcome of the Supreme Court's ruling in
33 *Clark v. Arizona* (cert. granted Dec. 5, 2005, No. 05-5966).

34 ///

35 *Clark v. Arizona*, --- S.Ct. ----, 2006 WL 1764372 (U.S. Ariz., June 29, 2006) was decided
36 Stipulation and [Proposed] Order Withdrawing Petitioner's Motion For Leave to File Third Amd. Complaint, etc.

1 today against Petitioner's proposed new claim. Counsel discussed the *Clark* case today and counsel
2 for petitioner requested that counsel for respondent file this stipulation.

3 In light of the *Clark* case, the parties HEREBY STIPULATE that petitioner's motion
4 scheduled for July 27, 2006, be withdrawn.

5 The parties FURTHER STIPULATE that the time for petitioner to file his traverse may
6 be extended until July 31, 2006

7 IT IS SO STIPULATED.

8 Dated: June 29, 2006

9 BILL LOCKYER
10 Attorney General of the State of California

11 /S/ CRAIG S. MEYERS

12 BY:

13 Craig S. Meyers
14 Attorneys for Respondent

15 Dated: June 29, 2006

16 /S/ MARY LOU HILLBERG

17 Mary Lou Hillberg
18 Attorney for Petitioner

19 **ORDER**

20 Upon stipulation of the parties, and good cause appearing therefor, it is HEREBY
21 ORDERED that petitioner's motion to stay and amend, scheduled for July 27, 2006, is withdrawn
22 and taken off calendar. Petitioner's traverse shall be filed no later than July 31, 2006

23 IT IS SO ORDERED

24 Dated: 7/5/06

25 /s/ Gregory G. Hollows

26 HON. GREGORY G. HOLLOWS
27 United States Magistrate Judge

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